

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 2, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, April 2, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. William C. Parker, Information Officer, gave the Invocation

Pledge of Allegiance to the Flag of the United States of America. Vice Chairman Zarembo led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Wiggins introduced and welcomed the following newly appointed members to York County Boards and Commissions and presented them with York County pins and Boards and Commissions Handbooks:

Jack Rhoads	Employee Grievance Panel
Lois Winter	Historical Committee
Daniel G. Seabolt	Historical Committee
Ted Crossland	Historical Committee

CITIZENS COMMENT PERIOD

Mrs. Pam Pouchot, 103 Kimberly Court, spoke of the adoption this evening of the York County Fiscal Year 2003 Budget. She addressed several areas within the budget where she felt the funds could be better utilized, such as the donations to the YMCA for the community center, to Newport News for the Aviation's World Fair, and to Christopher Newport University for its new Performing Arts Center. She stated the County would not earn enough tax dollars from the endeavors and would only gain more traffic and noise.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated that since the last meeting he and Mrs. Hook attended the Local Government Attorneys Conference in Portsmouth where they were given a copy of a pamphlet detail-

ing legislation that passed this year's session of the General Assembly. He stated that over the next few months he would bring to the Board a few recommendations for Code changes based on changes the General Assembly made to the Code of Virginia.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board members of the Citizens Institute that would be held on five consecutive Thursday mornings in May. He noted they would be held in the York Hall Board Room from 9:30 a.m. to 11:30 a.m., and the deadline for registration is April 25. He then noted there would be a 5K run at New Quarter Park on Saturday, April 6, sponsored by the Division of Children's Services to benefit improvements to the playground at the Griffin-Yeates Center. He also apprised the Board that New Quarter Park would be open on weekends beginning April 6 from 8:00 a.m. to 8:00 p.m., weather permitting. Mr. McReynolds then stated he would be out of the office on Monday touring several localities that have implemented an 800-megahertz communications system.

Mr. Zarembo asked Mr. McReynolds to remind the citizens of the Homeowners Association Meeting coming up this month.

Mr. McReynolds stated that several times during the year he meets with representatives from the various homeowners associations in the County to answer questions they might have or to provide them with County information staff feels will be beneficial to them. The next meeting will be held at 6:30 p.m. on Wednesday, April 24, at the Public Safety Building meeting room at 301 Goodwin Neck Road.

Chairman Wiggins asked Mr. McReynolds when he anticipated bring the Board nominations for the newly established Stormwater Advisory Committee.

Mr. McReynolds noted that only six applicants had applied for the committee so far. He indicated he had sent out a letter to the members of the previous Drainage Committee with a Board Bank application asking them to submit the application if they were interested in serving on the new committee. He stated that he hoped to provide the Board with applications and an appointing resolution for the April 16 Regular Meeting.

Mr. Shepperd stated he understood that some people were having a problem getting the Board Bank application form from the website.

Mr. McReynolds noted that the problem had been resolved, and the application should be readily available now.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll briefed the Board on a meeting she had attended in Norfolk sponsored by the Governor's office concerning Workforce Development and funding that has not been used by the program and the possibility of any surplus being sent back to the federal government. She then noted that she would not be present at the next Regular Meeting because she and Mr. McReynolds would be in Zweibrücken, Germany, as the County's delegation for the city's 650th Anniversary celebration.

Mr. Zaremba spoke of the budget process, stating the Board had been involved in the budget cycle for Fiscal Year 2003 since October of last year. He reviewed the increase in revenue that is expected during the next fiscal year and discussed what he considered to be "budget creep," in that the inflation rate of increase in this country is less than 3 percent on an annual basis; and he did not understand how the County could continue to spend more than what inflation has been. He stated he felt a 7 percent increase was a bit much, and suggested that as the Board went through the budget process for the next year it start to take a look at why the County seems to spend every dime of increase in revenues that is received. He noted that a neighboring jurisdiction has decreased its real estate tax rate, and this 7 percent increase came about because of the increase in the County's real estate assessment. He suggested that perhaps the Board should have taken a look at reducing the real estate tax rate and alleviated the ever-increasing cost of living in York County.

Mr. Burgett spoke concerning the parking ordinance for commercial vehicles in residential areas, stating staff was working with VDOT staff in drafting a resolution which will be reviewed by the Attorney General, and then the Board of Supervisors will be asked to pass on the resolution as approved. The Commonwealth Transportation Board will be given an opportunity to approve the draft at its May meeting, and it will then come back to the County to delineate the specific areas where the Board wants the prohibition to take place. He stated he hoped all this would take place so the Board could adopt its ordinance during June. Mr. Burgett then noted that the County's landscaping ordinance would be the next major project for the Board, and he indicated the Board might want to look at prohibiting the planting of trees under power lines since disfiguring the trees by cutting the tops out is not a good thing to do. He noted that next Monday night he would attend a meeting of the BRAC Committee that was formed locally by Congresswoman Davis from 19 jurisdictions. The meeting will be to organize efforts to protect the local military bases from closure. Mr. Burgett then stated he was interested in getting back on the project of Route 17 beautification and getting people to cooperate in making the main thoroughfare more attractive. He also noted that the Board would be voting at its next Regular Meeting on the Outstanding Youth Awards and would be presenting the awards to the recipients on May 7.

Mr. Shepperd apprised the Board members of his continuing orientation of the County, noting he had visited operations and facilities at Back Creek Park, New Quarter Park, Colonial Services Board, People's Place, and Video Services.

Chairman Wiggins stated he had the good fortune to serve on a panel for the Peninsula Leadership Institute this week, noting he had graduated from the Institute in 1997. The Institute is sponsored by the Virginia Peninsula Chamber of Commerce, and the Williamsburg Area Chamber of Commerce also sponsors a similar educational opportunity. He stated a new class was forming for next year, and he encouraged interested individuals to get involved in the program. He noted he had served on a panel discussing regional development, and he spoke of the great sharing opportunities for the region with the upcoming Aviation World's Fair. He stated York County's donation to the event is \$1.00 per citizen, and he stated he felt it was a small price to pay for what the County will gain.

UNFINISHED BUSINESS

PARK FACILITIES PLANNING SERVICES

Chairman Wiggins stated there were a lot of questions that had not been answered as yet regarding the material provided to the Board of Supervisors on the park facilities planning

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services contract, and he suggested that the Board table the matter until after it has had an opportunity to conduct a work session on the topic.

Discussion followed regarding the motion to table the matter.

Mr. Zaremba moved that the Board postpone consideration of proposed Resolution R02-55 until after a work session had been conducted on the matter.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

CONSENT CALENDAR

Mr. Zaremba asked that Item Nos. 4 and 6 be removed from the Consent Calendar to be acted on separately.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 2, 3, and 5, respectively.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 5, 2002, Regular Meeting
March 12, 2002, Adjourned Meeting
March 14, 2002, Adjourned Meeting

Item No. 3. ENDORSEMENT OF FAIR HOUSING PRINCIPLES: Resolution R02-66

A RESOLUTION ENDORSING THE PRINCIPLES OF FAIR HOUSING
AS SET FORTH IN TITLE 36, CHAPTER 5.1 OF THE CODE OF
VIRGINIA (1950) AS AMENDED

WHEREAS, the Commonwealth of Virginia has, through Section 36-96.1 of the Code of Virginia (1950, as amended), established a policy to: "provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status of handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all inhabitants of the Commonwealth may be protected and insured"; and

WHEREAS, Section 36-96.8 et.seq., of the Code of Virginia (1950 as amended) empowers the Virginia Real Estate Board to receive complaints and conduct investigations of alleged violations of the Fair Housing Law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that the Board does hereby reaffirm its endorsement of the principles of the Virginia Fair Housing Law and does hereby state that it is the policy of the York County Board of Supervisors that said principles are, and continue to be, adhered to in this County.

Item No. 5. APPROVAL OF PROCUREMENT ACTION: Resolution R02-71

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CONTRACT TO CONSTRUCT THE TIDE MILL SANITARY
SEWAGE PUMPING STATION PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that the County Administrator be, and hereby is, authorized to execute a contract for the Tide Mill Sanitary Sewage Pumping Station Project in the amount of \$358,900.

Item No. 4. EMPLOYEE OF THE QUARTER: Proposed Resolution R02-60 (Removed from the Consent Calendar)

Mr. Zaremba stated he felt there should be more consideration for the Employee of the Quarter than just a resolution. He suggested that a day off with pay or something that is more substantive to the employee be considered.

A RESOLUTION TO COMMEND KELLY M. ROBERTS, REVENUE
SPECIALIST, OFFICE OF THE COMMISSIONER OF THE REVENUE
AS EMPLOYEE OF THE QUARTER

WHEREAS, Kelly M. Roberts has been employed with the Office of the Commissioner of the revenue for four years and currently serves as a Revenue Specialist; and

WHEREAS, County growth, both residential and business, has caused a significant increase in the volume of mail, including returned mail, processed by the Office of the Commissioner of the Revenue; and

WHEREAS, Kelly took the initiative to develop procedures for researching, processing and managing the large quantity of returned mail; and

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WHEREAS, Kelly also took the initiative to develop a proactive procedure to notify affected taxpayers of a change in state law in order for their vehicle to be taxed only for the portion of the year registered in Virginia; and

WHEREAS, implementation of these procedures has enhanced collections in the Office of the Treasurer, and improved taxpayer compliance in the Office of the Commissioner of the Revenue; and

WHEREAS, Kelly's efforts reflect the highest levels of professionalism and service to the community and the County;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that Kelly M. Roberts, Revenue Specialist, be and is hereby, congratulated upon her selection as Employee of the Quarter for the quarter ended December 31, 2001.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

Item No. 6. PUBLIC SEWER EXTENSION AGREEMENT—CLAIRMONT APARTMENT HOMES:
Proposed Resolution R02-73

Mr. Zaremba indicated it was his understanding that the landowner and developer have an absolute right to move ahead with this development, yet the Board of Supervisors is being asked to approve a sewer extension agreement. He asked why the Board is involved when the Zoning Ordinance indicates it is a by-right development.

Mr. McReynolds explained that the State Code basically states that any development that has over three connections must be presented to the Board of Supervisors for approval.

Mr. Barnett also explained that this procedure was devised years ago to advise the Board of the intent to connect, and for the staff to determine if there is adequate capacity. He stated the staff was looking into whether or not this requirement can be removed; but because the statute requires it, these types of actions will probably continue to come before the Board for approval.

Chairman Wiggins noted his agreement with Mr. Zaremba, stating he would like to see these types of actions come off the agenda. In this case, he stated he was adamantly opposed to the project; and some of the citizens feel the Board is approving the project rather than the sewer extension when they see it on the agenda.

Mr. Burgett noted he and Mr. Shepperd have brought this subject up at previous meetings, and it seems as though the Board is in agreement of finding a way to keep these matters from the Board's agenda.

Mr. Zaremba then moved the adoption of proposed Resolution R02-73 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT
KNOWN AS CLAIRMONT APARTMENT HOMES, AND AU-

THORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Kotarides Builders, Inc., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a new multi-family residential development; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$204,750.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that the Board approves the extension of the County's public sewer system to serve the proposed development, Clairmont Apartment Homes, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Kotarides Builders, Inc., for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

NEW BUSINESS

APPROVAL OF FY2003 BUDGET AND TAX RATES FOR 2002

Mr. McReynolds made a brief presentation on the ordinance and resolution to adopt the 2002 tax rates and the FY2003 budget. He briefly reviewed the largest categories in the budget and their amounts.

Mr. Zaremba moved the adoption of proposed Ordinance No. 02-3 that reads:

AN ORDINANCE TO IMPOSE TAX LEVIES UPON TANGIBLE PERSONAL PROPERTY, UPON MACHINERY AND TOOLS, UPON MOBILE HOMES, AND UPON REAL ESTATE FOR THE CALENDAR YEAR 2002, AND TO PRORATE TAXES ON MOBILE HOMES

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WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for the County of York for calendar year 2002 beginning January 1, 2002, and ending December 31, 2002; and

WHEREAS, the Board has duly advertised and held a public hearing on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 2nd day of April, 2002, that the following County tax levies be, and they hereby are, imposed for the calendar year 2002:

	<u>Class of Property</u>	<u>Rate Per \$100 of Assessed Valuation</u>
1.	Real Estate	.86
2.	Tangible Personal Property	4.00
3.	Machinery and Tools	4.00
4.	Vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia	.86
5.	Boats or watercraft weighing five tons or more	1.00

BE IT FURTHER ORDAINED that if a mobile home is delivered or moved to York County after January one of any year and used as a place of full-time residence by any person, the Commissioner of Revenue shall assess and quarterly prorate any property taxes which would have been collectible had such mobile home been situated within York County on January one of that year.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Mr. Zaremba then addressed the budget resolution, stating it contained numbers he had never seen before, and he was confused about some of them and asked for clarification.

Mr. McReynolds stated the funds were included in the budget document distributed on March 5. The amount of the schools was adjusted from what the Superintendent proposed plus the additional \$170,000.

Mr. Zaremba suggested that in the future the Board be provided with these figures prior to the Board meeting for adoption. He then asked for clarification on several other items contained in the budget resolution dealing with the areas of emergency funding, Workers Compensation, vehicle maintenance, Social Services, revenues from building permits, and juvenile services.

Mr. Shepperd asked if there was anything in the budget resolution that was not discussed in a work session.

Mr. McReynolds indicated there was nothing the Board had not received printed material on.

Mr. Shepperd stated he agreed that the presentation of the budget material causes some confusion if one is not a numbers person, and it would be easier if all the educational parts were in one place. He stated he felt the staff did a tremendous job of bringing the budget to the Board at every angle to make sure the Board got all the nuances. Mr. Shepperd indicated he felt the last work session was handled very well. He asked how these things are audited.

Mr. McReynolds stated the budget has an annual audit by an independent auditor.

Mr. Shepperd indicated his point was that the County Administrator is given the responsibility of handling a great deal of numbers and line items, and the Board has the responsibility to direct in general policy terms where it wants the money to go. He asked why the specific lines are included in the budget resolution as opposed to just approving the actual budget document.

Mr. McReynolds stated the budget resolution is prepared in accordance with the State Code which requires that the appropriations be made in certain categories.

Mr. Shepperd recommended that if these items that are contained in the budget resolution are an issue for the Board, the Board be given those numbers in this format so that when it works on the budget the Board will be very familiar with the format and the figures.

Mr. Burgett stated he had a high comfort level with the budget because he had gone through it page by page. He noted that many of the Board's questions have been answered during work sessions. He stated he felt that a lot of old ground was being covered that had already been covered in the work sessions.

Chairman Wiggins stated all the Board members have worked hard on this budget. He indicated there is a tremendous need in the schools, and he doesn't see any way the tax rate can be lowered without adversely affecting the schools. The increase is due to the fact that it costs a lot to educate the children and provide adequate public safety. He stated the Board was not rubber stamping the budget; it has done everything it could to keep the tax rate level.

Mrs. Noll then moved the adoption of proposed Resolution R02-47 that reads:

A RESOLUTION TO APPROVE THE BUDGETS AND APPROPRIATE
FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, AND
ENDING JUNE 30, 2003

WHEREAS, the County Administrator has submitted to the York County Board of Supervisors a proposed annual budget for the County for the fiscal year beginning July 1, 2002, and ending June 30, 2003, which has been reviewed by the Board of Supervisors; and

WHEREAS, it is necessary to adopt said budget and appropriate sufficient funds to cover the requirements included therein; and

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WHEREAS, the Board of Supervisors, in exercising its independent judgment and in concert with the York County School Board, has considered the school's annual operating budget; and

WHEREAS, the educational budget submitted by the York County School Board for Fiscal Year 2003 contains estimated availability of funding from the Federal government in the amount of \$10,034,607; from the state government in the amount of \$40,960,132; from the local appropriations in the amount of \$29,984,800 (including \$869,733 for continuation of the School Grounds Maintenance Agreement); and other local revenues in the amount of \$1,076,950.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that the Fiscal Year 2003 annual budget of the York County School Division for school operations in the amount of \$82,056,489 be, and is hereby, approved subject to and contingent upon the availability of funds as indicated in the preamble hereto.

BE IT FURTHER RESOLVED that the annual budget in the sum of \$2,903,242 for Fiscal Year 2003 be, and is hereby, approved for the operation of food service programs for purposes authorized and approved by the York County School Board subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the Fiscal Year 2003 Annual Budget for the County of York be, and is hereby, adopted as proposed on this date.

BE IT STILL FURTHER RESOLVED that the following annual appropriations for Fiscal Year 2003 be, and are hereby, made in the General Fund for the following functions:

Functions:

General Administration	1,506,404
Judicial Administration	1,891,495
Public Safety	15,857,597
Environmental & Development Services	3,348,399
Finance & Planning	6,096,356
Education & Educational Services	37,670,281
Human Services	2,208,715
General Services	4,547,378
Community Services	2,274,912
Capital Outlay	3,943,730
Non-Departmental	<u>2,972,312</u>
Total General Fund	<u>82,317,579</u>

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer the appropriations included in the General Fund Non-Departmental function for the allocation of the market adjustment and benefits to the personnel services category in the various General Fund functions.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of one-half (1/2) of the actual meals tax collections to the Water and Sewer Extension and Stormwater Maintenance Funds be, and is hereby, adjusted in the General Fund to effect the funding for County water, sewer and stormwater projects.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of an amount equal to actual revenues received as a result of the three percent (3%) increase in the Transient Occupancy Tax rate to the Tourism Fund be, and is hereby, adjusted in the General Fund to effect the funding for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the \$37,670,281 appropriated above from the General Fund for Education and Educational Services, includes \$29,984,800 for the local contribution to the School Division for support of the School operating budget and, of this amount \$29,115,067 is appropriated as a non-categorical appropriation to be allocated among the various school operating categories as the School Board deems necessary and \$869,733 is appropriated to the Operation and Maintenance Category for continuation of the School Grounds Maintenance Agreement, dated June 23, 1992, as adopted by the York County Board of Supervisors and the York County School Board.

BE IT STILL FURTHER RESOLVED that the \$2,972,312 shown above as the amount appropriated for the Non-Departmental area of the General Fund includes \$40,000 for the implementation of a health insurance benefit for retirees.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,220,000 for Fiscal Year 2003 be, and is hereby, made in the Tourism Fund for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$400,000 for Fiscal Year 2003 be, and is hereby, made in the County Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$2,121,614 for Fiscal Year 2003 be, and is hereby, made in the Vehicle Maintenance Fund for the operation of the County's vehicle and equipment maintenance program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$4,246,509 for Fiscal Year 2003 be, and is hereby, made in the Virginia Public Assistance Fund for the operation of the York/Poquoson Department of Social Services.

BE IT STILL FURTHER RESOLVED that the annual appropriation of the Virginia Public Assistance Fund be, and is hereby, increased if and when additional federal and/or State funds become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$49,500 for Fiscal Year 2003 be, and is hereby, made in the Yorktown Waterfront Fund for the operation and maintenance of the Yorktown Waterfront in accordance with the agreement made between the Yorktown Trustees and the Board of Supervisors.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$9,000 for Fiscal Year 2003 be, and is hereby, made in the Law Library.

BE IT STILL FURTHER RESOLVED that local revenue received directly by the School Operating Fund, estimated to be \$1,076,950 for Fiscal Year 2003 be, and is hereby, appropriated in the School Operating Fund subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,128,675 for Fiscal Year 2003 be, and is hereby, made in the Children's Services Fund for the operation of the Children's Services, Head Start and the United States Department of Agriculture (USDA) Programs.

BE IT STILL FURTHER RESOLVED that the annual appropriations of the Head Start and USDA Programs be, and are hereby, increased if and when additional federal and state funds or local contributions become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions. In addition, the County Administrator is, and shall be, authorized on a continuing basis to apply for subsequent grants and aid under the Children's Services, Head Start and USDA Programs and to do all things necessary to implement said grants.

BE IT FURTHER RESOLVED that local revenue received directly by the School Food Service Programs, estimated to be \$2,100,242 for Fiscal Year 2003 be, and is hereby, appropriated in the School Food Service Fund subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$500,000 for Fiscal Year 2003 be, and is hereby, made in the Schools Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that an annual appropriation in the sum of \$10,790,000 for Fiscal Year 2003 be, and is hereby, made in the School Construction Fund for school capital maintenance and technology projects.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$7,768,990 for Fiscal Year 2003 be, and is hereby, made in the Yorktown Capital Improvements Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$4,099,000 for Fiscal Year 2003 be, and is hereby, made in the County Capital Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$186,450 for Fiscal Year 2003 be, and is hereby, made in the Fire and Rescue Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,163,490 for Fiscal Year 2003 be, and is hereby, made in the School Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$491,090 for Fiscal Year 2003 be, and is hereby, made in the Public Facilities Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the following appropriations for Fiscal Year 2003 be, and are hereby, made in the Sanitary District and Enterprise Funds:

Funds:

Sanitary District No. 1 Fund	84,900
Upper County Utility Fund	20,200
Solid Waste Fund	4,103,607
Water Utility Fund	382,700
Sewer Utility Fund	4,146,628

Stormwater Management Fund	1,705,000
Sanitary District No. 2 Fund	443,100
Water and Sewer Extension Fund	6,115,560

BE IT STILL FURTHER RESOLVED that the County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance moneys between the several County funds under her custody provided, however, that the total advanced to any particular fund, plus the amount of moneys disbursed from that fund, does not exceed the annual appropriation of said fund.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written request from the York County Library Board, the County Administrator shall be, and is hereby, authorized to do all things necessary to apply for federal and state library aid and in addition, the annual appropriation for library operations be, and is hereby, increased for all funds received under this program in accordance with the recommendations of the York County Library Board.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written notification of a grant award by various state and federal agencies not to exceed \$30,000, the County Administrator shall be, and is hereby, authorized to accept and to execute grant agreements, unless the terms of the grant require specific actions by the Board and to give such assurances as may be required by the grant agreement, to be approved as to form by the County Attorney, and in addition, the grant funding awarded shall be, and is hereby, appropriated under these programs to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that additional funds received from the federal or state Drug Asset Revenue Sharing Programs be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the federal and state governments.

BE IT STILL FURTHER RESOLVED that interest earned on grant awards received from federal and state agencies be, and are hereby, appropriated to the appropriate functional area to be expended in accordance with guidelines as established by the federal and state governments.

BE IT STILL FURTHER RESOLVED that additional funds received from contributions for the Safety Town Program, Beautification Projects, the Youth Commission, the Zweibrücken Exchange Program, programs of the York County Sheriff's Office, Fire and Life Safety Programs, or Housing and Low Income Families Programs be, and are hereby, appropriated in the General Fund for the purposes established by each program.

BE IT STILL FURTHER RESOLVED that funds received from the Federal Emergency Management Agency (FEMA) for reimbursements for expenses incurred as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that funds received through insurance claims for damages incurred to County property as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

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BE IT STILL FURTHER RESOLVED that additional funds received from donations from the York County Fire & Rescue Volunteers be, and are hereby, appropriated in the General Fund for the purpose of supporting programs of the Department of Fire and Life Safety.

BE IT STILL FURTHER RESOLVED that additional funds received from the State Department of Environmental Quality for the Litter Control Program be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that additional funds received from the State Department of Emergency Services for the emergency management program be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that additional funds received from the Virginia Juvenile Crime Control Act (VJCCA) for juvenile correction programs be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that upon receipt of written notification from the State Compensation Board of additional funds for the Constitutional Officers (Commonwealth's Attorney, Sheriff, Clerk of Court, Treasurer, and Commissioner of Revenue) not to exceed \$30,000 be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that the annual contributions that are in excess of \$30,000, which are hereby appropriated, shall be disbursed on a semiannual basis with the amount disbursed not to exceed one half of the total appropriation. Contributions to the York County School Board and the York/Poquoson Department of Social Services are exempt from this limitation. All other exceptions must be approved by the Board of Supervisors. In addition, the County Administrator may require written reports on how the previous allocation(s) was/were spent before any future disbursements are made.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2003 in the various funds for the purpose of liquidating encumbered purchase transactions as of June 30, 2002 not to exceed the Reserves for Encumbrances as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2003 in the various funds for the purpose of continuing capital and special projects as of June 30, 2002 not to exceed the Designation of Subsequent Year's Expenditures as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer funds within appropriation functions. These transfers may be made to allow the disbursement of funds for unanticipated costs incurred in daily County operations and any such transfer may not result in a change in the total appropriated for personnel or non-personnel costs within the function.

BE IT STILL FURTHER RESOLVED that the County Administrator, Director of Financial and Management Services and Chief of Budget and Financial Reporting be, and are hereby, the authorized signers for the General Administration petty cash account available to allow for emergency purchases necessary in daily County operations.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

APPROVAL OF THE FY2003-2008 CAPITAL IMPROVEMENTS PROGRAM

Mr. McReynolds made a presentation on proposed Resolution R02-46 to adopt the FY2003-2008 Capital Improvements Program as a long-range planning document. He stated the only change is an addition of \$20,000 to drainage improvements projects.

Discussion followed concerning park design services, drainage, underground utilities, and future recreational facilities at New Quarter Park.

Mrs. Noll moved the adoption of proposed Resolution R02-46 that reads:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2003-2008 CAPITAL
IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING DOCUMENT

WHEREAS, in consideration of materials received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a proposed Fiscal Year 2003-2008 Capital Improvements Program; and

WHEREAS, the Capital Improvements Program serves as a long-range planning document subject each year to review and approval of funding by the Board of Supervisors; and

WHEREAS, such review has been completed for the Fiscal Year 2003-2008 Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002, that the County Administrator's proposed Fiscal Year 2003-2008 Capital Improvements Program be, and is hereby, adopted by the Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

DESIGNATION OF REAL PROPERTY TAX FOR SCHOOL PURPOSES

Mr. McReynolds briefly reviewed proposed Resolution R02-45 which would designate a portion of the real property tax for school purposes.

Mr. Burgett moved the adoption of proposed Resolution R02-45 that reads:

A RESOLUTION TO DESIGNATE A PORTION OF THE REAL PROPERTY TAX FOR SCHOOL PURPOSES

WHEREAS, Public Law 874 enacted by the 81st Congress, and codified in 20 U.S.C. Sections 236 to 241-1 and 242 to 244 (hereinafter "the Act"), provides for federal financial assistance to local educational agencies in areas affected by federal activities; and

WHEREAS, approximately thirty-eight percent (38%) the land area of York County is controlled by the federal government, which entitles the York County School Division to financial assistance under Section 2 of the Act, as administered pursuant to U. S. Department of Education regulations governing distribution of financial aid authorized by the Act, 34 CFR Part 222, Subpart J; and

WHEREAS, the York County School Division is a fiscally dependent local education agency under these U. S. Department of Education regulations; and

WHEREAS, 34 CFR Section 222.3, Definitions, provides that for a fiscally dependent local education agency, the local real property tax rate for school purposes can be defined as "that portion of a local real property tax rate designated by the general government for school purposes"; and

WHEREAS, the York County Board of Supervisors finds it to be in the best interest of the citizens of York County to designate a portion of the local real property tax rate for school purposes in conformance with 34 CFR Section 222.3;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of April, 2002 that, for Fiscal Year 2003, a portion of the York County, Virginia, local real property tax rate equal to sixty-four and four tenths cents (\$.644) per \$100 of valuation be, and is hereby, designated for school purposes as provided in 34 CFR Section 222.3.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins

Nay: (0)

APPROVAL OF THE VIRGINIA RETIREMENT SYSTEM (VRS) HEALTH INSURANCE CREDIT FOR RETIREES

Mr. McReynolds briefly reviewed proposed Resolution R02-69 to provide the Health Insurance Credit Program for eligible current and future retirees of York County.

Mrs. Noll moved the adoption of proposed Resolution R02-69 that reads:

A RESOLUTION TO PROVIDE THE HEALTH INSURANCE CREDIT PROGRAM AS DESCRIBED IN THE CODE OF VIRGINIA, SECTION 51.1-1402 FOR ITS ELIGIBLE CURRENT AND FUTURE RETIREES OF YORK COUNTY AS DEFINED IN ARTICLE 5, CHAPTER 1 OF TITLE 51.1 OF THE CODE OF VIRGINIA.

WHEREAS, a committee was assembled at the request of the County Administrator to assess the need for the County to contribute to the health insurance expenses of retirees, and to research other localities to determine if and how other localities are providing assistance to their retirees, and to then propose a method or methods by which this could be accomplished by the County; and

WHEREAS a proposal was made to fund the Health Insurance Credit Program which pays a retiree from a political subdivision who has at least 15 years of service with the Virginia Retirement System \$1.50 for each year of service for a maximum credit of \$45.00 per month which is added as a supplement to the retiree's retirement check each month;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of April, 2002, that the County of York does hereby elect to provide the Health Insurance Credit Program, as provided in the Virginia, Section 51.1-1402 for its eligible current and future retirees, as defined in Article 5, Chapter I of Title 51.1 of the Code Of Virginia.

BE IT FURTHER RESOLVED that the County of York agrees to accept all liability for any current or future additional employer contributions and any increases in current or future employer contribution rates resulting from its election to provide the benefits of the program to its retirees.

BE IT STILL FURTHER RESOLVED that the County of York elects to allow its eligible retirees to receive the benefits under the program effective July 1, 2002.

BE IT STILL FURTHER RESOLVED that County Administrator is hereby authorized and directed in the name of the County of York to execute any required contract, to be approved as to form by the County Attorney, in order that said eligible retirees of the County of York may participate in the Health Insurance Credit Program, as provided for in the Code of Virginia.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

VIRGINIA TRANSPORTATION DEVELOPMENT PLAN

Mr. McReynolds made a presentation on proposed Resolution R02-78 to identify York County priorities for inclusion in the FY2003 Six-Year Virginia Transportation Development Plan.

Mr. Shepperd noted that Mr. McReynolds had mentioned that VDOT had made a commitment to transfer funds for Route 17 from the Fort Eustis Boulevard and north area down to the Harwood's Mill and south area, and he thought VDOT was only thinking about it. He asked Mr. McReynolds to clarify.

Mr. McReynolds stated it was his understanding that the VDOT district office has supported the County's request to move the funds from the northern portion of Route 17 to the southern portion.

Mr. J. Mark Carter, Planning and Zoning Manager, indicated Mrs. Noll had appeared at a public hearing when the Commonwealth Transportation Board was considering the last version of

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the plan, and they assured her at that time that the \$10 million would be transferred. VDOT is now revising the plan to include that assurance.

Discussion followed.

Mr. Zaremba spoke of the significant funding shortfalls in the state, and he asked for a summary of which roads will be impacted by these reductions.

Mr. Carter stated that information was not yet available, and the actual amount of reduction is not sure at this time. Mr. Carter suggested that the Board lobby hard for a reduction of less than 42 percent, which is the figure the state is suggesting. Once the number is known, the Board and the Resident Engineer will have to work on the Secondary Road Program to determine what the priorities are and how the funds should be allocated among those projects.

Mr. Zaremba asked that, whatever the outcome in Richmond, the results be reported out to the citizens.

Mrs. Noll then moved the adoption of proposed Resolution R02-78 that reads:

A RESOLUTION TO IDENTIFY YORK COUNTY PRIORITIES FOR INCLUSION IN THE
FY 2003 SIX-YEAR VIRGINIA TRANSPORTATION DEVELOPMENT PLAN

WHEREAS, the Commonwealth Transportation Board has announced a series of public hearings to be conducted across the Commonwealth for the purpose of soliciting comments and recommendations from local jurisdictions concerning necessary highway improvements and the establishment of priorities for inclusion in the FY 2003 Virginia Transportation Development Plan; and

WHEREAS, the York County Board of Supervisors recognizes and appreciates the difficult task that faces the Commonwealth Transportation Board as it works to develop a revised and updated Virginia Transportation Development Plan (VTDP); and

WHEREAS, the Board recognizes that transportation system improvement needs far exceed available revenues and that adjustments and reductions of existing programs and projects are likely; and

WHEREAS, the Board is aware of the potential 42% reduction in the York County Secondary Roads allocations over the next six years and urges the CTB to consider re-allocation of funds or other measures to ensure that reductions of this magnitude, particularly in suburban localities such as York, are avoided so that much-needed improvement projects can proceed with minimal slippages in schedules; and

WHEREAS, the Board enthusiastically supports development of a VTDP that includes level or increased funding for maintenance to guard against severe deterioration of the transportation network and, particularly, the Board urges that sufficient funding be provided to allow an annual Secondary Roads repaving schedule to be developed and implemented; and

WHEREAS, the Board has reviewed the potential project ranking and sorting criteria suggested by the Interim Transportation Commissioner in his January 2002 letter to stakeholders and has evaluated its project priorities with these criteria in mind;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of April, 2002, that it does hereby adopt the following recommended program of priorities and projects for consideration by the Commonwealth Transportation Board:

Priority 1 – Provide funding for the Secondary Road System at levels sufficient to avoid and mitigate the 42% reduction suggested in preliminary correspondence and discussions concerning the proposed VTDP;

Priority 2 – Provide sufficient funding to adequately address transportation system maintenance needs and, particularly, to allow continuation of an adequately-funded annual repaving program for selected Secondary System roads;

Priority 3 – Route 105 extension between Route 17 and Route 173: This project, which is primarily funded through Regional STP allocations, has recently progressed through the Design Public Hearing stage. It is critically important to the County's economic development objectives.

Priority 4 – Route 17 Widening from 4 to 6 lanes between Wolfrap Road and Route 171: This project proposal consists of three components, as follows:

- ?? Widening between Wolfrap Road to Ella Taylor Road utilizing \$10 million in cost savings which VDOT has committed to transfer from Project #6017-099-F19 north of Route 105;
- ?? Widening between Ella Taylor Road south to Route 134 utilizing the approximately \$7 million that would be available if Project #6017-099-F19 is cancelled completely, as recommended by the Board of Supervisors;
- ?? Widening between Route 134 and Route 171; estimated cost \$7 million.

Priority 5 – Route 105 Widening between Jefferson Avenue and Route 17; project pending advertisement.

BE IT FURTHER RESOLVED that the Board of Supervisors strongly encourages the Commonwealth Transportation Board to consider the aesthetics of all transportation projects and to include sufficient funding in all project budgets for appropriate landscaping.

BE IT STILL FURTHER RESOLVED that, although not listed as a priority due to the critical importance of the Route 17 improvements, the Board calls the attention of VDOT and the Commonwealth Transportation Board the need to consider future widening of Route 171 between Route 17 and the City of Poquoson.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to transmit the information contained in this resolution to the Commonwealth Transportation Board to be entered into the record of the Hampton Roads District Allocation Hearing as the official position of the York County Board of Supervisors and to forward copies to the Commissioner and all others deemed appropriate.

BE IT STILL FURTHER RESOLVED that the Commonwealth Transportation Board be, and hereby is, commended for its cooperation in attending to those needs identified within York County and its neighboring communities.

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On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

CLOSED MEETING. At 9:11 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and a personnel matter dealing with the employment of a specific employee; and Section 2.2-3711(a)(3) pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

Meeting Reconvened. At 10:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of April, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

APPOINTMENT TO THE YORK COUNTY HISTORICAL COMMITTEE

Mr. Burgett moved that Mr. Ted Crossland be moved from Associate Membership status and appointed as a Regular Member to the York County Historical Committee.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Thereupon, Resolution R02-84 was adopted as follows:

A RESOLUTION TO APPOINT AN ASSOCIATE MEMBER AS A
REGULAR MEMBER TO THE YORK COUNTY HISTORICAL COM-
MITTEE

BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of April, 2002, that Mr. Ted Crossland, currently an Associate Member, be, and he is hereby, appointed as a Regular Member to the York County Historical Committee, such appointment to take effect immediately.

Meeting Adjourned. At 10:05 p.m. Mr. Burgett moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors